

- (b) Whose names appear on an Assembly roll as indicated in their claims for enrolment or on a subsequent Assembly roll in respect of the same addresses as given in the rolls on which their claims were based: and
- (c) Who do not appear from some Assembly roll, assessment roll, valuation roll, or record of occupiers to have ceased to be the spouses of persons as the spouses of whom enrolment was claimed: and
- III. All persons who have claimed enrolment under paragraph IV. of that subsection and whose names appear on an electoral roll for a Council division as indicated in their claims for enrolment or on a subsequent electoral roll for a Council division in respect of the same addresses as given in the rolls on which their claims were based.”.

HOBART CORPORATION.

No. 89 of 1952.

AN ACT to amend the *Hobart Corporation Act 1947*.
[19 December, 1952.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Hobart Corporation Act 1952*.

(2) The *Hobart Corporation Act 1947*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section one hundred and one of the Principal Act is amended— Power to levy city rate.

- (a) by omitting the word "six" (first occurring) in subsection (3) and substituting therefor the word "seven";
- (b) by omitting from subsection (5) thereof the words "sanitary service charge, or any", and substituting therefor the word "every"; and
- (c) by adding at the end thereof the following subsections:—

"(7) Where a sanitary service is provided for any premises and the proportion of the city rate which is payable in respect of those premises and is applicable to the sewerage service is insufficient to cover the cost of such sanitary service, the council may allow a rebate, as provided by section one hundred and eight, and may levy on such premises a sanitary service charge sufficient to cover the cost of such service or of such proportion of that cost as the council may determine.

(8) Every sanitary service charge shall be payable at the same time and recoverable in the same manner as the city rate and, if unpaid, shall be a charge on the land in respect of which it is levied."

3 Section one hundred and six of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsection:— Exemptions from city rate

"(1) The council shall not levy or raise any city rate in respect of any—

- I. Land or buildings the property of and occupied by or on behalf of Her Majesty, except parts of the railway lands within the meaning of the *Railway Management Act 1935*, which are declared by proclamation under that Act, to be ratable lands.
- II. Land or buildings the property of and occupied by or on behalf of, the University of Tasmania:
- III. Hospital, benevolent asylum, or other building used solely for charitable purposes:
- IV. Public library or public museum: or
- v. The Botanical Gardens—

but where any person resides on (otherwise than as caretaker only), or occupies as tenant of, any land of Her Majesty (other than railway land not proclaimed as aforesaid) he shall be liable to pay the like rates as if such land were private property; and such rates may be levied on, and recovered from him, but shall not be a charge on, or recoverable against such land."

Sinking funds to be controlled by commissioners.

4 Section one hundred and fifty-eight of the Principal Act is amended by inserting after subsection (1) the following new subsection:—

“(1A) When the principal moneys of any loan shall become payable by the council, the commissioners shall pay to the council the whole of the accumulated sinking funds held by them in respect of such loan, or such proportion thereof as is required by the council.”

Interpretation.

5 Section one hundred and sixty-three of the Principal Act is amended:—

(a) by omitting from the definition of “Subdivide” the words “such land for the purposes” and substituting therefor the words “any land held in the same ownership, whether included in the same title or not and whether under the *Real Property Act* 1862 or the general law, by means”; and

(b) by omitting from that definition all words and figures after the figures “1944”.

Construction of street by council.

6 Section one hundred and seventy-three of the Principal Act is amended by inserting at the end thereof the following subsection:—

“(8) Where, in the opinion of the council, a street of a standard less than is prescribed by subsection (7) hereof will be sufficient to meet all probable requirements for a considerable period, the council may construct such street with a vehicular roadway of such width and with such drainage and footways as it may think sufficient for the time being and may defer the complete construction of the street to the prescribed standard until circumstances require it; and the foregoing provisions of this section shall apply in respect of any such construction as aforesaid, and also in respect of any subsequent work carried out by the council to complete the construction of the street to the standard prescribed as aforesaid.”

Council may cause private streets to be constructed.

7 Section one hundred and seventy-six of the Principal Act is amended by inserting at the end thereof the following subsections:—

“(2) When the council has resolved upon any construction under this section it—

- I. Shall serve a notice of the resolution on the owners of the lands fronting on the private street or way or portion thereof to be constructed: and
- II. May give notice thereof to any person apparently dealing or proposing to deal with the land of an owner so served.

(3) A notice under this section shall be deemed to have been sufficiently served if it is served on—

- I. The person described in the assessment roll at the time of service as the owner of the land: or
- II. Any person who appears from any memorial of registration of any deed to be the owner of the land or from any register book under the *Real Property Act 1862* to be the registered proprietor of the land.

(4) Notice under this section shall not be a condition precedent to the council's carrying out the construction resolved upon."

8 The Principal Act is amended by inserting after section one hundred and seventy-six the following section:—

"176A. Where since the commencement of this Act the council has purchased, acquired or taken a strip of land for the purpose of widening a private street or way—

Construction of widened streets.

- I. The land from which such strip was taken shall be deemed for the purposes of this division to be fronting on such street or way;
- II. The liability of the owner of such land to contribute to the expense of construction shall not be increased because of such widening; and
- III. The expense of constructing the additional width of carriageway shall be borne by the council."

9 Section one hundred and seventy-seven of the Principal Act is amended by adding at the end thereof the following subsection:—

Cost of construction to be certified by Auditor-General.

"(2) If the council has determined that the construction of any footway or part thereof for any such street or the completion of any minor work not affecting the effective use of the carriage-way of such street should be postponed after such carriage-way has been completed, the engineer on completion of the carriage-way shall certify as aforesaid in respect of the carriage-way and any other work then completed; and upon completion of any such postponed work shall in like manner, certify in respect thereof, and the provisions of subsection (1) hereof shall apply to such certificates as if each of them had been a certificate as provided by that subsection."

10 Section one hundred and seventy-eight of the Principal Act is amended—

Cost of construction to be repaid by owners of adjoining lands by instalments.

- (a) by omitting subsection (1) and substituting therefor the following subsections:—

"(1) The amount certified by the Auditor-General under section one hundred and seventy-seven, or such proportion thereof as

the council may determine, shall be apportioned by the council as it thinks just between the lands fronting on the private street or way or portion thereof in respect of which the amount is certified; and the council shall serve notices on the owners of such lands at the time of service telling each the amount payable in respect of his land.

(1A) Every such owner, upon the service upon him of the notice, shall be liable to pay the council the amount payable in respect of his land, with interest, at a rate not exceeding the current bank rate commencing one month after the service of the notice"; and

(b) by inserting in subsection (6), after the word "demanded", the words "the whole of his proportion of the cost of construction then remaining unpaid shall thereupon become payable and".

Conditions precedent for opening of new private streets.

11 Section one hundred and eighty-one of the Principal Act is amended by omitting from subsection (3) thereof the word "with" and substituting therefor the word "width".

Requirements for new private streets.

12 Section one hundred and eighty-two of the Principal Act is amended by adding at the end thereof the following subsections:—

"(3) Where, in the opinion of the council, the paving of a footway in accordance with the standard prescribed by subsection (1) hereof, should be postponed, the council may require the owner to postpone such paving until he is notified by the council to proceed therewith.

(4) Where, in the opinion of the council, a gravel footway will meet all probable requirements for a considerable period, the council may permit the construction of a gravel footway in lieu of the footway prescribed by subsection (1) hereof; and when it considers the circumstances so require, the council may construct a footway of the standard prescribed as aforesaid, and may recover one half the cost of such construction as if such footway had been constructed under and in accordance with section one hundred and sixty-six."

Subdivision of land.

13 Section one hundred and eighty-five of the Principal Act is amended—

(a) by omitting subsections (1) and (2) and substituting therefor the following subsections:—

"(1) Except as herein otherwise provided, no person shall subdivide any land into allotments, unless every such allotment—

I. Being in an area prescribed under the *Building Act 1937* as—

- (a) An inner area, comprises an area of not less than five thousand square feet, with a frontage upon a street of not less than fifty feet, and there is within such allotment an open space within which can be drawn a circle having a diameter of not less than fifty feet:
- (b) An outer area, comprises an area of not less than six thousand square feet, with a frontage upon a street of not less than sixty feet, and there is within such allotment an open space within which can be drawn a circle having a diameter of not less than sixty feet:
- (c) A central area, comprises an area of not less than four thousand square feet, with a frontage upon a street of not less than forty feet, and such allotment has a width of not less than forty feet for a distance of fifty feet at least from such street:

but where an allotment is at the corner of two streets which join at one of its angles, the council before approving any new subdivision may require such allotment to have a frontage of at least 55 feet in an inner area or at least 70 feet in an outer area.

II. Being within a zone prescribed for the erection of shops has—

- (a) An area of not less than—
 - (i) 500 square feet if within a prescribed part of the central area:
 - (ii) 750 square feet if within any other part of the central area: or
 - (iii) 3000 square feet if elsewhere:
- (b) A frontage on a street of not less than—
 - (i) 15 feet if within the central area: or

(ii) 30 feet if elsewhere—
and is to be used primarily for
business purposes:

- III. Has reasonable vehicular access to such street or some other street:
- IV. Is capable of being sufficiently drained into a public channel or drain:
- V. Is shown on a survey plan of such subdivision, sealed by the council as hereinafter provided.

(1A) Where, in relation to any such allotment, any work of a substantial nature is necessary in the opinion of the council to provide reasonable vehicular access to a street, the council may require the owner to carry out, or give to the council security for carrying out, such work as the council may direct for that purpose; and where such security is given the council if it thinks fit may carry out such work at the cost of the owner.

(1B) Compliance with paragraph I. of subsection (1) of this section shall not be necessary in the case of the subdivision of a piece of land into two allotments if—

I. Since the first day of April, 1952, two houses not joined together have stood on that piece of land:

II. Each allotment will—

(a) Have on it one of the two houses;

(b) In an inner area—

(i) Comprise an area of not less than five thousand square feet;

(ii) Have a frontage on a street of not less than forty feet; and

(iii) Contain an open space within which can be drawn a circle having a diameter of not less than fifty feet and its centre distant not more than eighty feet from the street frontage; and

(c) In an outer area—

(i) Comprise an area of not less than six thousand square feet;

(ii) Have a frontage on a street of not less than fifty feet; and

(iii) Contain an open space within which can be drawn a circle having a diameter of not less than sixty feet and its centre distant not more than eighty feet from the street frontage; and

III. The Council is satisfied in its own discretion that no detriment to the public, adjoining land owners or future occupiers of the two allotments will result from the subdivision.

(2) Compliance with paragraphs I. and II. of subsection (1) of this section shall not be necessary in the case of an allotment in an inner or outer area and within a zone prescribed for the erection of a shop if—

I. It is to be used for the purposes of business only and not to be dwelt upon; and

II. The council is satisfied that its area and dimensions are sufficient in the circumstances.

(2A) Compliance with paragraphs I., II., and III. of subsection (1) of this section shall not be necessary in the case of a piece of land which is to be sold or conveyed to the owner of adjoining land and such sale or conveyance is approved by the council; and, in any such case, the council may notify on the relative survey plan that such piece of land is not approved as an allotment under this Division; and if such piece of land is under the *Real Property Act 1862*, the Recorder of Titles, on receipt of such plan, shall enter a memorial of such notification on the relevant folium of the register and on the title of such piece of land.

(b) by inserting after paragraph v. of subsection (6) the following paragraph:—

“VA. The parts affected or to be affected by a licence to embank a highway under the *Highways Act 1951*,”; and

(c) by adding at the end thereof the following subsections:—

“(8) Where any subdivision plan approved by the council shows a part to be affected by a licence under the *Highways Act* 1951 to embank a highway under the control of the council the person submitting the plan shall be bound on demand by the council to execute a licence accordingly, in such terms as, so far as they are not fixed by the subdivision plan, are determined by the council.

(9) Where, in any subdivision the owner proposes or the council requires the provision of a lane or right-of-way (not being a private right-of-way to serve not more than two residential allotments), the owner, before selling any allotment thereby affected, shall construct, or give to the council security for the construction of, such lane or right-of-way in accordance with such specifications as the council may require; and where such security is given, the council may, if it thinks fit, construct such lane or right-of-way at the cost of the owner.

(10) The provisions of section one hundred and eighty-four shall apply to any lane or right-of-way constructed as provided by subsection (9) hereof as if the same were a new private street.”.

Procedure on application.

14 Section one hundred and eighty-six of the Principal Act is amended—

(a) by inserting at the end of paragraph VI. of subsection (3) the words “or where the land to be subdivided fronts on two or more streets, to give access from one such street to another of them.”;

(b) by inserting after paragraph VI. of subsection (3) the following paragraph:—

“VIA. Provision for licences to embank highways under the *Highways Act* 1951;

(c) by inserting in subsection (3) after the word “drainage” (last occurring), the word “or”; and

(d) by omitting the word “six” in subsection (5) and substituting therefor the word “seven”.

Power to Council to determine new alignment.

15 Section one hundred and eighty-seven of the Principal Act is amended by omitting the words “paragraph (a)” from paragraph II. of subsection (2) and substituting therefor the words “paragraph I.”.

16 Section one hundred and ninety-seven of the Principal Act is amended—

Matters arising from re-alignment operations.

- (a) by omitting the words “ as provided by section one hundred and ninety-six ” in subsection (1) and substituting therefor the words “ under this Division ”; and
- (b) by inserting after the word “ Part ” in subsection (6) the words “ or for the purposes of a scheme proposed pursuant to the *Town and Country Planning Act 1944* ”.

17 Section two hundred and six of the Principal Act is amended by omitting subsections (3) and (4) and substituting therefor the following subsection:—

Domestic supply of water in the city.

“(3) Where the outer boundary of the owner’s land is distant more than one hundred feet from any main and the supply of water to such land necessitates the laying of a new main or the extension of an existing main, the council, if such work is approved, shall carry out the construction of such new main or extension and—

- I. If the council bears the whole of the capital cost of such construction the owners of all lands within one hundred feet of such new main or extension and which can be served thereby, shall pay to the council, yearly, at such times as the council may direct, interest at such rate as the council may determine, calculated on the said capital cost with a deduction from the total of such interest of one half the rates and charges levied for the relevant year in respect of the services provided by such new main or extension; and the same shall be payable by such owners in such proportions as the council may determine:
- II. If the council, so determines, it may bear a proportion only of such capital cost (hereinafter called “ the council’s proportion ”), determined as provided by paragraph III. hereof and such owners as aforesaid in lieu of the interest as provided by paragraph I. hereof shall pay to the council in such proportions as the council may determine such capital cost as aforesaid, less the council’s proportion thereof; and the provisions of subsections (2) to (6) of section one hundred and seventy-eight and of sections one hundred and seventy-nine and three hundred and fifty-six shall apply to the payment of such proportions as if they were payable under section one hundred and seventy-eight:
- III. The council’s proportion shall be an amount, the interest on which, at the rate determined by the council, would be equal to one half of the rates and charges levied for the relevant year in respect

of the services provided by such new main or extension or such greater amount as the council may determine:

- IV. Interest payable under this subsection shall be recoverable in the same manner as the city rate, and shall be a charge on the land in respect of which it is payable.”.

18 The Principal Act is amended by inserting after section two hundred and thirty-four the following section:—

Council may
construct
common
stormwater
drain at
owners' cost.

“234A—(1) If, in the opinion of the council, any street, right-of-way, or private land, is not adequately drained, the council may construct a stormwater drain of such capacity as it may think sufficient for the purpose.

(2) The council, before proceeding with such construction, shall give to the owners of every property through, under, or over, which such drain is to pass, twenty-eight days' notice in writing of its intention to construct the same.

(3) All costs incurred by the council in relation to providing such drain shall be repaid to the council by the owners of all lands—

- I. Served by:
- II. Deriving benefit from: or
- III. Fronting or abutting on that part of any street which is drained by—

such drain in such proportions as the council may determine.”.

Restriction on
alienation.

19 Section three hundred and thirteen of the Principal Act is amended by adding at the end thereof the following subsection:—

“(2) Notwithstanding the provisions of subsection (1) of this section the council may alienate and transfer—

- (a) Six perches and four-tenths of a perch of the land described in Part V. of the Seventh Schedule, more particularly shown as Lot 30A on Plan No. 1152 deposited with the Recorder of Titles, freed and discharged from the provision of this Act in exchange for twenty-two perches and one-tenth of a perch of land shown as Lot 30B on the said plan; and
- (b) Thirteen perches and seven-tenths of a perch of the land described in Part V. of the Seventh Schedule, more particularly shown as Lots 22A and 23A on Plan No. 1164 deposited with the Recorder of Titles, freed and discharged from the provision of this Act in exchange for one rood and thirty-two perches and four-tenths of a perch of land shown as Lot 34 on the said Plan No. 1164—

which twenty-two perches and one-tenth of a perch and one rood thirty-two perches and four-tenths of a perch shall on being vested in the corporation become subject to this Act as if comprised in the said Part V.”

20 Section three hundred and nineteen of the Principal Act is amended— Power to reclaim certain areas.

- (a) by omitting from subsection (1) the word " and " at the end of paragraph I.; and
- (b) by inserting after paragraph II. of that subsection the word " and " and the following paragraph:—
 - “ III. With the consent of the Marine Board of Hobart (which consent may be made subject to conditions), the whole or any portion of that part of the River Derwent which is described in Part XXX.”

21 Section three hundred and twenty-one of the Principal Act is amended— Power to council to remove remains.

- (a) by inserting in paragraph III. of subsection (6) after the word " land ", the words " and in respect of which the council has received a notice under subsection (5) hereof " ;
- (b) by omitting from that paragraph the words " and removed " and substituting therefor the words " for removal " ; and
- (c) by adding at the end thereof the following subsection:—

“ (7) The council may allow any descendant or relative of any person whose remains are in the said cemetery to remove any monument, headstone, or accessory thereto, erected or used in respect of those remains within the period of six months prescribed by subsection (3) hereof ; and all other such monuments, headstones, and accessories may be dealt with and disposed of as the council may determine.”

22 Section three hundred and thirty-seven of the Principal Act is amended by omitting from subsection (3) thereof the words " five shillings " and substituting therefor the words " one pound." Saw benches, &c., to be registered.

23 Section three hundred and thirty-nine of the Principal Act is amended by omitting from subsection (3) thereof the words " five shillings " and substituting therefor the words " one pound." Registration of premises for keeping animals.

24 Section three hundred and fifty-six of the Principal Act is amended— Certain moneys to be charged on land in respect of which they are payable.

- (a) by omitting paragraph IV. and substituting therefor the following paragraphs:—

“ IV. Moneys payable in relation to the construction of any street, right-of-way, or footway under section one hundred and sixty-six, section one hundred and seventy-three, or section one hundred and eighty-three, from the date on which payment has been demanded :

v. Amounts due under subsection (1A) of section one hundred and seventy-eight—:" and

(b) by adding at the end thereof the following subsection:—

“(2) Where any land charged with the payment of any moneys under this Act is subdivided into allotments, the council may determine what proportions of such moneys shall be charged against such allotments respectively and each allotment shall remain charged with the proportion so determined and no further.”.

25 After section three hundred and sixty-six of the Principal Act the following section is inserted in Division VII. of Part XXIII.:—

Use of City Arms prohibited.
Cf. No. 7, 1919 (Cth.), s. 4.

“366A No person shall without the written authority of the council, assume or use in connection with any trade, business, calling or profession any arms lawfully assumed by the Corporation or any arms so nearly resembling such arms as to suggest that they were a representation of such arms.

Penalty: Twenty pounds and a daily penalty of two pounds.”.

26 After section three hundred and eighty-six of the Principal Act the following section is inserted in Division I. of Part XXV.:—

Notice of probable liabilities.

“386A The council, when issuing any certificate in respect of any property, in accordance with section twenty-seven of the *Rates and Charges Recovery Act 1936*, may endorse on such certificate a note of the estimated amount likely to become payable under this Act by the owner of that property in relation to the cost of any work or undertaking which the council has resolved or agreed to carry out; but no such estimate shall be binding on the council or in any way prejudice or affect any determination or allocation which the council may be authorised to make in relation to such cost as aforesaid.”.

General power to make by-laws.

27 Section three hundred and ninety-three of the Principal Act is amended by inserting after division (p) of paragraph I. of subsection (2) the following divisions:—

“(q) The manner in which and the persons by whom dogs found at large may be detained and cared for; with power to commit any such dog to the care of any society or body, approved by the council, having for its object the welfare of any animals; and to authorise the detention of such dog by such society or body pending its disposal as prescribed; and with power to authorise any justice to direct the sale of such dog by private contract if the same is not claimed by its owner within ten days after being found at large, and the payment of the proceeds of such sale to such society or body.

(r) The cases in which any chattels so stored, stacked or placed on any premises as in the opinion of the council to cause or be likely to cause such premises to be or become unsightly or to affect adversely the appearance of such premises or any place in the vicinity thereof may be required by the council to be—

- (i) Removed from such premises; or
- (ii) Stored, stacked or placed on such premises in a manner approved by the council—

by the owner or occupier of such premises; with power to provide that on default of the owner or occupier as the case may be the work so required may be carried out by the council at the cost of such owner or occupier in default.

28 Notwithstanding anything contained in the *Dog Act* 1934, before any dog is registered within the city, there shall be paid to the town clerk a fee of ten shillings for a male dog or twenty shillings for any female dog, but if the registration is effected after the thirty-first day of December in any financial year, one-half of the above fees.

Registration of dogs.

29—(1) The fifth schedule of the Principal Act is amended by inserting at the end thereof the following items:—

Amendment of fifth schedule.

	£
“(j) Constructing, reconstructing, improving, extending, realigning, and widening the streets of the city and purchasing or acquiring land therefor	400,000
“(k) The improvement and extension of the tramway service in the city and suburbs, the establishment, acquisition, and equipment of trams, motor omnibuses, tramway works, and other transport services, the provision of tracks and roadways and generally for the purposes of Part XIII.	200,000
“(l) The acquisition of plant, machinery, and equipment	60,000
“(m) The purchase of land, erection of buildings, and provision of plant, machinery and equipment for the treatment of trade wastes, household refuse and other similar matter	60,000
“(n) Augmenting, improving, and extending the water supply of the city and suburbs, the improvement of the reticulation therein, and generally for the purposes of Part XI.	100,000
“(o) The provision of additional land, premises, and equipment for reserves and recreation grounds, and for the improvement thereof	50,000
“(p) The extension, improvement, furnishing, heating, and ventilating of public halls and offices	20,000
“(q) Augmenting, improving and extending the sewerage system of the city and generally for the purposes of Part XII.	50,000
“(r) The purposes of section nineteen of the Town and Country Planning Act 1944	20,000.”.

(2) The amounts set forth above shall be additional to any amounts which might be raised under the Principal Act if this Act were not in force.

Amendment
of seventh
schedule.

30 The seventh schedule of the Principal Act is amended by adding after Part XXIX. thereof the following Part:—

“ PART XXX.

MANING REEF RECLAMATION.

0a. 3r. 32 8-10p.

Commencing at the north-east angle of 0a. 2r. 32p., the Maning Reserve described in Part XVIII. of this schedule, on High Water Mark on the River Derwent and bounded on the south-east by 200 feet north-easterly across portion of the River Derwent aforesaid on the north-east by 218 feet 3¼ inches again crossing portion of the River Derwent on the north-west by 200 feet again crossing portion of the River Derwent aforesaid to High Water Mark on the River Derwent aforesaid and thence by that High Water Mark to the point of commencement as the same is shown on Volume 21 Folio 5 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.

PRICES (No. 3).

No. 90 of 1952.

AN ACT to amend the *Prices Act 1948* and the *Prices Act (No. 3) 1950.* [19 December, 1952.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and
citation.

1—(1) This Act may be cited as the *Prices Act (No. 3) 1952.*

(2) *The Prices Act 1948*, as subsequently amended, is in this Act referred to as the Principal Act.

Interpreta-
tion.

2 Section three of the Principal Act is amended by inserting after the definition of “ Authorised Officer ” the following definition:—

“ ‘ Board ’ means the Board of Review constituted under section fourteen A ; ”.

Determination
of maximum
prices, rates,
&c.

3 Section fourteen of the Principal Act is amended by inserting in paragraph (b) of subsection (1), after the numeral “ (3) ”, the words “ and to sections fourteen B and fourteen C ”.